

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ANDREAS J. SMITH,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:08-CV-642-WHA
) [WO]
JOHN C. HAMILTON (AKA J.C.), *et al.*,)
)
Defendants.)

ORDER

On August 19, 2008, the Magistrate Judge filed a Report and Recommendation (Doc. #7) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. #7) of the Magistrate Judge is ADOPTED;
2. Plaintiff's complaint against Defendant Adams is DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
3. Defendant Adams is DISMISSED as a party to the complaint;
4. Plaintiff's request to be released from detention and/or have all charges dismissed against him is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and
4. This case, with respect to the remaining defendants, is referred back to the magistrate judge for further proceedings.

Done this the 9th day of September, 2008.

/s/ W. Harold Albritton
SENIOR UNITED STATES DISTRICT JUDGE